

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ELLA W. HORN,

Plaintiff,

v.

EXPERIS US, INC., A MANPOWER
BRAND COMPANY,

Defendant.

No. 2:20-cv-00212-JAM-CKD PS

ORDER

Before the undersigned are plaintiff's motion to waive the cost of court transcripts related to her pending appeal and to proceed in forma pauperis on appeal.¹ (ECF Nos. 38, 39.)

"Production of the transcript at government expense for an appellant in forma pauperis in a civil case is proper under 28 U.S.C. § 753 if a trial judge certifies that the appeal is not frivolous and presents a substantial question." McKinney v. Anderson, 924 F.2d 1500, 1511 (9th Cir.), overruled on other grounds by Helling v. McKinney, 502 U.S. 903 (1991). The relief under section 753 is permissive. Id. The undersigned is unable to certify that plaintiff's pending appeal

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¹ Plaintiff incorrectly states that she is proceeding in forma pauperis in this action, "as previously approved and honored by this Court." (ECF No. 38 at 1.)

1 is not frivolous and presents a substantial question. Accordingly, plaintiff's request for court
2 transcripts at the government's expense, and to proceed in forma pauperis on appeal, are
3 DENIED.

4 IT IS SO ORDERED.

5 Dated: December 8, 2020



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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